

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: please check the awkwardness of the paragraphs at page 3, beginning with "[m]oreover," page 3, the paragraph beginning with "[t]he building and furnishing article," and page 6, the paragraph beginning with "[a]s is readily apparent."

The disclosure is also objected to because it includes references to specific claim numbers as seen at least on page 2, lines 19 and 21.

Appropriate correction is required.

3. The Examiner notes that applicants have referred to nylon and rayon as trademarks; however, these terms are now generic and applicant is free to use them as he wishes.

Claim Objections

4. Claims 7 and 13 are objected to because of the following informalities: they are awkwardly phrased. With respect to claim 13, the Examiner will treat this claim as if the surface of the article already has a decorative pattern thereon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "short, medium-short, medium-long, and long" in claims 5 and 11 are relative terms which renders the claim indefinite. The terms "short, medium-short, medium-long, and long" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicants have failed to provide specific examples of what would constitute these lengths. Clarification is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothhaar (DE 4141023), using the abstract and machine translation.

With regard to applicant's claim 1, Rothhaar discloses using rayon or polyester flock fibers on floor mats made from recycled rubber.

With regard to claims 2, 8, and 9, the rayon or polyester fibers are applied to a surface containing "a reactive flocking adhesive" (section 3.1).

With regard to claim 3, the abstract details how a "colored flocking material is preferentially applied to the adhesive layer electrostatically" (Claim 4 also).

With regard to claims 4 and 10, the fibers in this patent, made from the same materials (rayon and polyester), would exhibit the same appearance. Additionally, this claim is so broad as to include almost all possible types of sheen or lack thereof.

With regard to claims 5 and 11, the fibers in this patent, made from the same materials (rayon and polyester) by the same method, would exhibit the same feel and appearance. Also, as seen in Section 3.1, the lengths of the fibers are disclosed to be 1-4 mm. Additionally, the length of fibers is a design choice that, upon variation, would lead to the feel and appearance desired by applicant.

With regard to claims 6 and 12, Section 3.2.1 and 3.4 Rothhaar talks about multicolored mats and phosphorescent mats, which are multicolored with designs printed thereon.

With regard to claims 7 and 13, Rothhaar talks about either using colored adhesive to make a design/pattern or using a colorant after the deposition of the flocked fibers (Section 3.1 and 3.4). The design/pattern can be writing or graphic form.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO-892.

Art Unit: 1794

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-F 7:30am-5pm est. (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Blackwell/
Primary Examiner, Art Unit 1794

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